

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against;

CARMENCITA NOCON MCCOY
8554 Burnet Ave, Unit 131
North Hills, CA 91343

Registered Nurse License No. 527483

Respondent

Case No. 2013-32

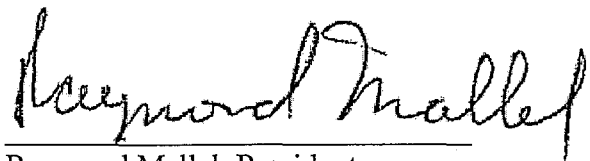
OAH No. 2012090339

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 19, 2013.**

IT IS SO ORDERED **March 20, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
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4 State Bar No. 244817
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-32

12 **CARMENCITA NOCON MCCOY**
13 **8554 Burnet Ave, Unit 131**
North Hills, CA 91343
14 **Registered Nurse License No. 527483**

OAH No. 2012090339

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by William D.
23 Gardner, Deputy Attorney General.

24 2. Respondent Carmencita Nocon McCoy (Respondent) is represented in this
25 proceeding by attorney Roman Mosqueda, whose address is: 3460 Wilshire Blvd., Suite 407, Los
26 Angeles, CA 90010.

27 3. On or about October 22, 1996, the Board of Registered Nursing issued Registered
28 Nurse License No. 527483 to Carmencita Nocon McCoy (Respondent). The Registered Nurse

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2013-32 and will expire on August 31, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2013-32 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on July 12,
7 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 2013-32 is attached as exhibit A and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 2013-32. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

15 7. Respondent is fully aware of her legal rights in this matter; including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2013-32.

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10. Respondent agrees that her Registered Nursing License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when she resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where she has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
11 license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
13 or cause to be submitted such written reports/declarations and verification of actions under
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
16 Respondent shall immediately execute all release of information forms as may be required by the
17 Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which she has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
8 prior approval from the Board before commencing or continuing any employment, paid or
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
10 performance evaluations and other employment related reports as a registered nurse upon request
11 of the Board.

12 Respondent shall provide a copy of this Decision to her employer and immediate
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two
15 (72) hours after she obtains any nursing or other health care related employment. Respondent
16 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
17 separated, regardless of cause, from any nursing, or other health care related employment with a
18 full explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
20 Respondent's level of supervision and/or collaboration before commencing or continuing any
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
25 approved.

26 Respondent's level of supervision and/or collaboration may include, but is not limited to the
27 following:

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1 (a) Maximum - The individual providing supervision and/or collaboration is present in
2 the patient care area or in any other work setting at all times.

3 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
4 care unit or in any other work setting at least half the hours Respondent works.

5 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
6 person communication with Respondent at least twice during each shift worked.

7 (d) Home Health Care - If Respondent is approved to work in the home health care
8 setting, the individual providing supervision and/or collaboration shall have person-to-person
9 communication with Respondent as required by the Board each work day. Respondent shall
10 maintain telephone or other telecommunication contact with the individual providing supervision
11 and/or collaboration as required by the Board during each work day. The individual providing
12 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
13 patients' homes visited by Respondent with or without Respondent present.

14 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
15 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
16 or for an in-house nursing pool.

17 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
18 registered nursing supervision and other protections for home visits have been approved by the
19 Board. Respondent shall not work in any other registered nursing occupation where home visits
20 are required.

21 Respondent shall not work in any health care setting as a supervisor of registered nurses.
22 The Board may additionally restrict Respondent from supervising licensed vocational nurses
23 and/or unlicensed assistive personnel on a case-by-case basis.

24 Respondent shall not work as a faculty member in an approved school of nursing or as an
25 instructor in a Board approved continuing education program.

26 Respondent shall work only on a regularly assigned, identified and predetermined
27 worksite(s) and shall not work in a float capacity.

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1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
4 successfully complete a course(s) relevant to the practice of registered nursing no later than six
5 months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the
8 above required course(s). The Board shall return the original documents to Respondent after
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
11 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$3,685.00. Respondent shall be permitted to pay these costs in a payment plan
13 approved by the Board, with payments to be completed no later than three months prior to the end
14 of the probation term.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
22 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
23 and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare
26 an accusation or petition to revoke probation against Respondent's license, the probationary
27 period shall automatically be extended and shall not expire until the accusation or petition has
28 been acted upon by the Board.

1 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
2 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
3 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
4 Respondent's request and to exercise its discretion whether to grant the request, or to take any
5 other action deemed appropriate and reasonable under the circumstances, without further hearing.
6 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
7 subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and shall
9 become a part of Respondent's license history with the Board. A registered nurse whose license
10 has been surrendered may petition the Board for reinstatement no sooner than the following
11 minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any reason other
13 than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
16 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
17 assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse, including a determination as set forth below in the condition titled "Rule-Out
20 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to
21 the Board. If medically determined, a recommended treatment program will be instituted and
22 followed by the Respondent with the physician, nurse practitioner, or physician assistant
23 providing written reports to the Board on forms provided by the Board.

24 If Respondent is determined to be unable to practice safely as a registered nurse, the
25 licensed physician, nurse practitioner, or physician assistant making this determination shall
26 immediately notify the Board and Respondent by telephone, and the Board shall request that the
27 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
28 immediately cease practice and shall not resume practice until notified by the Board. During this

1 period of suspension, Respondent shall not engage in any practice for which a license issued by
2 the Board is required until the Board has notified Respondent that a medical determination
3 permits Respondent to resume practice. This period of suspension will not apply to the reduction
4 of this probationary time period.

5 If Respondent fails to have the above assessment submitted to the Board within the 45-day
6 requirement, Respondent shall immediately cease practice and shall not resume practice until
7 notified by the Board. This period of suspension will not apply to the reduction of this
8 probationary time period. The Board may waive or postpone this suspension only if significant,
9 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
10 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
11 Only one such waiver or extension may be permitted.

12 **15. Mental Health Examination.** Respondent shall, within 45 days of the effective date
13 of this Decision, have a mental health examination including psychological testing as appropriate
14 to determine her capability to perform the duties of a registered nurse, including a determination
15 as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." The
16 examination will be performed by a psychiatrist, psychologist or other licensed mental health
17 practitioner approved by the Board. The examining mental health practitioner will submit a
18 written report of that assessment and recommendations to the Board. All costs are the
19 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
20 result of the mental health examination will be instituted and followed by Respondent.

21 If Respondent is determined to be unable to practice safely as a registered nurse, the
22 licensed mental health care practitioner making this determination shall immediately notify the
23 Board and Respondent by telephone, and the Board shall request that the Attorney General's
24 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
25 practice and may not resume practice until notified by the Board. During this period of
26 suspension, Respondent shall not engage in any practice for which a license issued by the Board
27 is required, until the Board has notified Respondent that a mental health determination permits

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1 Respondent to resume practice. This period of suspension will not apply to the reduction of this
2 probationary time period.

3 If Respondent fails to have the above assessment submitted to the Board within the 45-day
4 requirement, Respondent shall immediately cease practice and shall not resume practice until
5 notified by the Board. This period of suspension will not apply to the reduction of this
6 probationary time period. The Board may waive or postpone this suspension only if significant,
7 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
8 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
9 Only one such waiver or extension may be permitted.

10 **16. Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical
11 and/or mental health examination determines that the respondent is dependent upon drugs or
12 alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol
13 dependence in remission), that might reasonably affect the safe practice of nursing, then the
14 respondent must further comply with the following additional terms and conditions of probation:

15 **A. Participate in Treatment/Rehabilitation Program for Chemical**

16 **Dependence.** Respondent, at her expense, shall successfully complete during the
17 probationary period or shall have successfully completed prior to commencement
18 of probation a Board-approved treatment/rehabilitation program of at least six
19 months duration. As required, reports shall be submitted by the program on forms
20 provided by the Board. If Respondent has not completed a Board-approved
21 treatment/rehabilitation program prior to commencement of probation,
22 Respondent, within 45 days from the effective date of the decision, shall be
23 enrolled in a program. If a program is not successfully completed within the first
24 nine months of probation, the Board shall consider Respondent in violation of
25 probation.

26 Based on Board recommendation, each week Respondent shall be required
27 to attend at least one, but no more than five 12-step recovery meetings or
28 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse

1 support group as approved and directed by the Board. If a nurse support group is
2 not available, an additional 12-step meeting or equivalent shall be added.

3 Respondent shall submit dated and signed documentation confirming such
4 attendance to the Board during the entire period of probation. Respondent shall
5 continue with the recovery plan recommended by the treatment/rehabilitation
6 program or a licensed mental health examiner and/or other ongoing recovery
7 groups.

8 **B. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
9 shall completely abstain from the possession, injection or consumption by any
10 route of all controlled substances and all psychotropic (mood altering) drugs,
11 including alcohol, except when the same are ordered by a health care professional
12 legally authorized to do so as part of documented medical treatment. Respondent
13 shall have sent to the Board, in writing and within fourteen (14) days, by the
14 prescribing health professional, a report identifying the medication, dosage, the
15 date the medication was prescribed, the Respondent's prognosis, the date the
16 medication will no longer be required, and the effect on the recovery plan, if
17 appropriate.

18 Respondent shall identify for the Board a single physician, nurse
19 practitioner or physician assistant who shall be aware of Respondent's history of
20 substance abuse and will coordinate and monitor any prescriptions for Respondent
21 for dangerous drugs, controlled substances or mood-altering drugs. The
22 coordinating physician, nurse practitioner, or physician assistant shall report to the
23 Board on a quarterly basis Respondent's compliance with this condition. If any
24 substances considered addictive have been prescribed, the report shall identify a
25 program for the time limited use of any such substances.

26 The Board may require the single coordinating physician, nurse
27 practitioner, or physician assistant to be a specialist in addictive medicine, or to
28 consult with a specialist in addictive medicine.

1 **C. Submit to Tests and Samples.** Respondent, at her expense, shall
2 participate in a random, biological fluid testing or a drug screening program which
3 the Board approves. The length of time and frequency will be subject to approval
4 by the Board. Respondent is responsible for keeping the Board informed of
5 Respondent's current telephone number at all times. Respondent shall also ensure
6 that messages may be left at the telephone number when she is not available and
7 ensure that reports are submitted directly by the testing agency to the Board, as
8 directed. Any confirmed positive finding shall be reported immediately to the
9 Board by the program and Respondent shall be considered in violation of
10 probation.

11 In addition, Respondent, at any time during the period of probation, shall
12 fully cooperate with the Board or any of its representatives, and shall, when
13 requested, submit to such tests and samples as the Board or its representatives may
14 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
15 controlled substances.

16 If Respondent has a positive drug screen for any substance not legally
17 authorized and not reported to the coordinating physician, nurse practitioner, or
18 physician assistant, and the Board files a petition to revoke probation or an
19 accusation, the Board may suspend Respondent from practice pending the final
20 decision on the petition to revoke probation or the accusation. This period of
21 suspension will not apply to the reduction of this probationary time period.

22 If Respondent fails to participate in a random, biological fluid testing or
23 drug screening program within the specified time frame, Respondent shall
24 immediately cease practice and shall not resume practice until notified by the
25 Board. After taking into account documented evidence of mitigation, if the Board
26 files a petition to revoke probation or an accusation, the Board may suspend
27 Respondent from practice pending the final decision on the petition to revoke
28 probation or the accusation. This period of suspension will not apply to the

1 reduction of this probationary time period.

2 D. **Therapy or Counseling Program.** Respondent, at her expense, shall
3 participate in an on-going counseling program until such time as the Board
4 releases her from this requirement and only upon the recommendation of the
5 counselor. Written progress reports from the counselor will be required at various
6 intervals.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Roman Mosqueda. I understand the stipulation and the effect it
10 will have on my Registered Nurse License. I enter into this Stipulated Settlement and
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Board of Registered Nursing.

13
14 DATED: 12-11-12

Carmencita N. McCoy
15 CARMENCITA NOCON MCCOY
16 Respondent

17 I have read and fully discussed with Respondent Carmencita Nocon McCoy the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20 DATED: 12-11-12

Roman Mosqueda
21 Roman Mosqueda
22 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 12/12/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

LA2012506722
51200573.doc

Exhibit A

Accusation No. 2013-32

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
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Attorneys for Complainant
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **CARMENCITA NOCON MCCOY**
8554 Burnet Ave, Unit 131
13 North Hills, CA 91343

14 **Registered Nurse License No. 527483**

15 Respondent.

ACCUSATION

Case No. 2013-32

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about October 22, 1996, the Board of Registered Nursing issued Registered
23 Nurse License Number 527483 to Carmencita Nocon McCoy (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on August 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

. . . .

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Falsify Record Pertaining to Controlled Substance)

3 14. Respondent is subject to disciplinary action under section 2762, subdivision (e), in
4 that Respondent falsified an entry pertaining to a controlled substance or dangerous drug in a
5 patient or other record. Complainant refers to, and by this reference incorporates, the allegations
6 set forth above in paragraph 12, inclusive, as though set forth fully herein.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 527483, issued to
11 Carmencita Nocon McCoy;

12 2. Ordering Carmencita Nocon McCoy to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;

15 3. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: July 12, 2012

for Stacie Ben
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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